

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
  
2. The application has been amended as follows:

Claims 19 and 30-49 have been canceled as being directed to a non-elected invention. The election has been treated as without traverse.

*-- End of Amendment --.*

### REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: None of the prior art references of record, singly or combined, teaches or suggests a method of making silica from olivine comprising forming low-viscosity slurry by adding an aluminate up to 100-6000 ppm within a pH between 4-9 and ageing the slurry at a temperature between 50-150C as claimed. The closest prior art reference is US 2006/0051279 (US'279") or WO 2004/048264 ("WO'264"), but neither reference teaches the ageing temperature as claimed. Although "letting the slurry sediment" can be interpreted as "ageing" the slurry (US'279, paragraph 0021), it would be room-temperature ageing rather than thermal ageing at 50-150C as claimed. It would not have been obvious to raise the ageing temperature to 50-150C in the process of US'279 or WO'264 because it may risk damaging or altering the morphology of the resulting silica. Additionally, it is shown in the instant specification that the ageing temperature as required in the claim is necessary to attain a CTAB/BET ratio of higher than 0.9 (page 7, lines 29-32).
4. For the reasons discussed above, the double patenting rejection against the copending application 10/536,194 has been withdrawn.
5. Notes on the non-elected claims 19 and 30-49: Because product claims are not subject to rejoining with the allowable process claims and because the election has been treated as being made without traverse, the product claims have been canceled. If Applicant considers filing a divisional application on the non-elected invention,

Applicant is advised that the product claims are not commensurate with the allowable process as the CTAB/BET ratio is not recited in the product claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa (Holly) Le whose telephone number is (571)272-1511. The examiner can normally be reached on 12:30 p.m. to 9:00 p.m. (EST), Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alicia Chevalier can be reached on 571-272-1490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Hoa (Holly) Le/  
Primary Examiner, Art Unit 1788

December 3, 2011